## ADMINISTRATIVE COMMITTEE

# Monday, September 9, 2019 5:00 p.m.

NOTICE IS HEREBY GIVEN that the Bountiful City Administrative Committee will hold its regular meeting in the Conference Room at **Bountiful City Offices**, 150 North Main Street, Suite 103, Bountiful, Utah, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the Americans with Disabilities Act may request an accommodation by contacting the Bountiful City Planning Office at (801) 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

#### **AGENDA**

- 1. Welcome and Introductions.
- 2. Consider approval of minutes for August 26, 2019.
- 3. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant.
- 4. **PUBLIC HEARING:** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie & Tad Mills, applicants.
- 5. Miscellaneous business and scheduling.

Francisco Astorga, Planning Director

# Bountiful City Administrative Committee Minutes August 26, 2019

Present: Chairman - Francisco Astorga; Committee Member - Brad Clawson; Assistant

Planner – Curtis Poole; Recording Secretary – Julie Holmgren

**Absent**: Committee Member – Dave Badham

### 1. Welcome and Introductions.

Chairman Astorga opened the meeting at 5:05 p.m. and introduced all present.

# 2. Consider approval of minutes for August 12, 2019.

Mr. Clawson made a motion for approval of the minutes for August 12, 2019 as written. Mr. Astorga seconded the motion.

A Mr. Astorga
A Mr. Clawson

Motion passed 2-0.

# 3. Consider approval of a Lot Line Adjustment at 3345 Canyon Estates Drive, Lot #3 and Lot #4, Kathy Mask, applicant.

Kathy Mask, applicant, was present.

Mr. Poole presented a summary of the staff report (the full staff report follows).

The applicant, Kathy Mask, is requesting a Lot Line Adjustment between her two properties located at 3345 Canyon Estates Drive and 3373 Canyon Estates Drive. Both properties, shown as Lot 3 and Lot 4, are located in the R-3 Single-Family Zone. The purpose of the adjustment is to convey a portion of Lot 4 to Lot 3. Lot 4 will convey 1,350 square feet (0.031 acres) to Lot 3. The adjustment will bring Lot 3 to 43,344 square feet (1.018 acres) and Lot 4 to 48,395 square feet (1.111 acres).

The original plat map shows a 15 foot public utility easement which runs between the two (2) properties. It also shows 10 foot easements on the front and rear property lines and 7.5 foot easements on the opposite side property lines from those being adjusted. The City Engineer suggested the easement between Lots 3 and 4 could be vacated; however, this would be a City Council action.

- 1. No new lots were created in this conveyance so an amended subdivision plat will not be necessary.
- 2. No new building permits have been issued or proposed.

Based on the above findings, staff recommends approval of the lot line adjustment, with the following conditions:

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- 1. Complete any redline corrections required on the plat.
- 2. Obtain City Council approval for any easement release, or modification of the existing PUE, a recorded copy of which shall be placed in the City's building permit file.
- 3. The approved lot line adjustment shall be recorded with Davis County.

**Note:** Approval of the property line adjustment by the City does not act as a conveyance of real property and appropriate conveyance documents must be prepared by the applicant and recorded by the County.

Mr. Astorga inquired regarding the process for obtaining City Council approval for the easement release, and Mr. Poole briefly explained the process and noted that the City Engineer would provide detailed instructions for Ms. Mask.

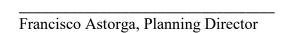
Mr. Clawson made a motion to approve a Lot Line Adjustment at 3345 Canyon Estates Drive, Lot #3 and Lot #4, Kathy Mask, applicant. Mr. Astorga seconded the motion.

A Mr. Astorga Mr. Clawson

Motion passed 2-0.

## 4. Miscellaneous business and scheduling.

Mr. Astorga noted that the next meeting would be held on September 9, 2019, and he ascertained there were no further items of business. The meeting was adjourned at 5:10 p.m.





# RANDY C. LEWIS MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER Gary R. Hill

# Memo

Date: August 29, 2019

To: Administrative Committee

From: Curtis Poole, Assistant City Planner

Re: Staff Report for the Administrative Committee Meeting on Monday, September 9,

2019

# Overview

**PUBLIC HEARING -** Consider approval of a Conditional Use Permit to allow for a Home Occupation Group Instruction with up to 12 children at 1062 Arlington Way, Megan Bowden, applicant.

## **Review Authority**

Home Occupation Group Instruction with up to 12 children is allowed under City Code, 14-4-103, with approval of a Conditional Use Permit. The Administrative Committee has authority to review all Conditional Use Permits for Home Occupation requests.

### **Findings**

The application submitted by Megan Bowden, the applicant, indicates the property will be used to operate Tiny Footsteps Preschool. The property is located in the R-3 Zone. The applicant indicates there will be two different sessions with up to 12 children in each session. One session will be held Monday, Wednesday and Friday from 9:00 a.m. to 12:00 p.m. The second session will be held on Tuesdays and Thursdays from 9:30 a.m. to 12:00 p.m. The applicant indicates the indoor teaching area for the preschool will be 221 square feet, which is less than the 50% requirement of the Code.

In addition to the interior teaching area, the applicant is proposing to use the backyard as a play and recreation area for the preschool. The area is fenced and has one large gate which will remain closed. As Arlington Way loops back to Beverly Way, parents dropping off their children will not need to pull into the driveway and can enter and exit the neighborhood. The applicant has indicated some students will be within walking distance of the preschool. While there will be some added traffic on the street, it should be brief and not adversely affect the neighborhood.

### **Staff Recommendation**

Based upon the above findings, staff has determined that the applicant would comply with all requirements for the Conditional Use Permit; therefore staff recommends approval of the Conditional Use Permit with the following conditions:

- 1. The applicant shall maintain an active Bountiful City business license.
- 2. The Home Occupation will not create nuisances discernible beyond the premises (e.g. noise, dust, odors, noxious fumes, glare, traffic, outdoor storage, etc.).
- 3. The use will comply with all applicable fire, building, plumbing, electrical, and life safety and health codes in the State of Utah, Davis County, and Bountiful City.
- 4. The Conditional Use Permit is solely for this site and is non-transferable.

## **Bountiful Land Use Ordinance**

### 14-17-105 HOME OCCUPATION REQUIREMENTS

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except for: one (1) flat wall sign placed on the dwelling that shall not exceed four (4) square feet in size, and any sign required by State Law and/or which meet the provisions of this Title.
- B. The use shall be conducted entirely within a dwelling, except for work performed offsite.

  Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity. Additional outside employees are not allowed if there is more than one home occupation at the property.
- C. The use shall not involve more than 50% of the entire dwelling.
- *D.* The use shall not involve the area of required, covered, off-street parking.
- E. No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold offsite.
- F. The use shall not create noise, dust, odors, noxious fumes, glare, or other nuisances, including interruption of radio and/or television reception, which are discernable beyond the premises.
- G. The use shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder.
- H. The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as are customary to home crafts.
- I. The use shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. The use shall not involve the parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. The use shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.

L. The residence and property may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.

#### 14-17-106 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION

The following conditions shall apply only to Home Occupation Business Licenses for Residential Day Care or Group Instruction, as defined by State Code:

- A. The rear yard may be used for outside play area, or instruction where a swimming pool is involved.
- B. Residential day care facilities shall comply with all regulations of the State of Utah and shall be licensed by the State. One additional person not residing in the dwelling may be employed in the residential day care or group instruction where seven eight (7) or more children or people are involved.
- C. Residential group instruction (preschools) shall be limited to no more than twelve (12) people in each session who are not residents of the home. There shall be no more than two (2) sessions per day and each session may not exceed four (4) hours. No child or student may attend more than one (1) session per day. Instruction of more than eight (8) individuals requires issuance of a Conditional Use Permit.
- D. A minimum interior floor area of thirty-five (35) square feet and a minimum secured outdoor play area of forty (40) square feet per child shall be provided for residential day care facilities.
- E. Total floor area used for residential day care or group instruction may be no more than fifty percent (50%) of the ground floor area of the residence.
- F. An annual inspection for continued compliance will be required for license renewal of all residential day care and group instruction facilities.
- G. A criminal background check is required for any person who operates or is employed at a daycare or a residential group instruction business.
- H. A criminal background check is required for any adult who resides at a dwelling used for a daycare or group instruction business.
- I. No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for a daycare or group instruction business.

#### 14-17-108 HOME OCCUPATION CONDITIONAL USES

Home occupations in the following areas of work are conditional uses, and licenses may be issued for them only if a conditional use permit is granted following notice and a public hearing:

- A. Lawn care and/or landscaping,
- B. Construction and/or contracting,
- C. Snow removal,
- D. Residential day care or group instruction facilities with more than eight (8) people,
- E. A home occupation office use may be allowed in a detached accessory structure in accordance with the following:
  - 1. The total office area, including a restroom and any storage space, shall not exceed three hundred (300) square feet.
  - 2. The office shall not be located in an area of required, covered, off-street parking.
  - 3. No part of the office space shall be utilized if the required, covered, off-street parking is being utilized for a purpose other than parking.
  - 4. The only retail activity allowed is that transacted electronically or by mail. Any retail activity involving the physical delivery of goods or persons to the property is expressly prohibited.
  - 5. A home occupation office in a detached accessory structure shall be deemed unlawful and shall not be occupied unless the owner has recorded a deed restriction on the property stating that the use of the property is for a single family dwelling, and that the office space shall only be used in accordance with the provisions of the Bountiful City Land Use Ordinance as it may be amended from time to time.



# TINY FOOTSTEPS PRESCHOOL, LLC

# 1. How does your proposed project fit in with the surrounding properties and uses?

We feel our business will be of value to the children surrounding our neighborhood, in addition to all of our students in general. Between teaching preschool at another location, as well as volunteering at my childrens' respective schools, it has been made aware to me by school faculty that there are noticeable benefits to children who attend a preschool vs. those who don't. That in and of itself, is a benefit to all those involved.

# 2. <u>In what ways does the project not fit in with the surrounding properties and uses?</u>

We have spoken with some of our neighbors regarding our plans and have received no backlash or resistance. This is a neighborhood that we moved to from our previous residence of 12 years for the following reasons: the neatness of the homes, yards and neighborhood unity. These are qualities which we plan to continue with not only in our personal lives, but our business as well.

# 3. What will you do to mitigate the potential conflicts with surrounding properties and uses?

# See attatched photos:

- 1. Shows view directly out of our driveway. The street is wide enough to turn a vehicle around without the need to backup.
- 2. The view going SE on Arlington Way. Further up the street drivers could go either up or down Beverly Way or down Claremont Drive to eliminate any one street from excessive use.
- 3. View going down Arlington Way. If people were to use Arlington Circle to perform a turn around, they would come down this street.

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- 4. If drivers went SE up Arlington Way and chose to come down Beverly Way, they would come to this "T" in the intersection, once again, giving multiple options for our students to enter or exit our business.
- 5. Traffic would mostly end up on 900 East. This view shows Mueller Park Jr. High in the distance. Drivers would go either North or South on this road.

There are a number of ways to enter and exit our business with no need to back up (for the safety of our students), there is also no need for the use of anyone's driveway. There are a few students who are within walking distance to our school, and a few of our parents have organized together to arrange carpool schedules to also minimize any traffic congestion or safety concerns to the surrounding homes and residents.

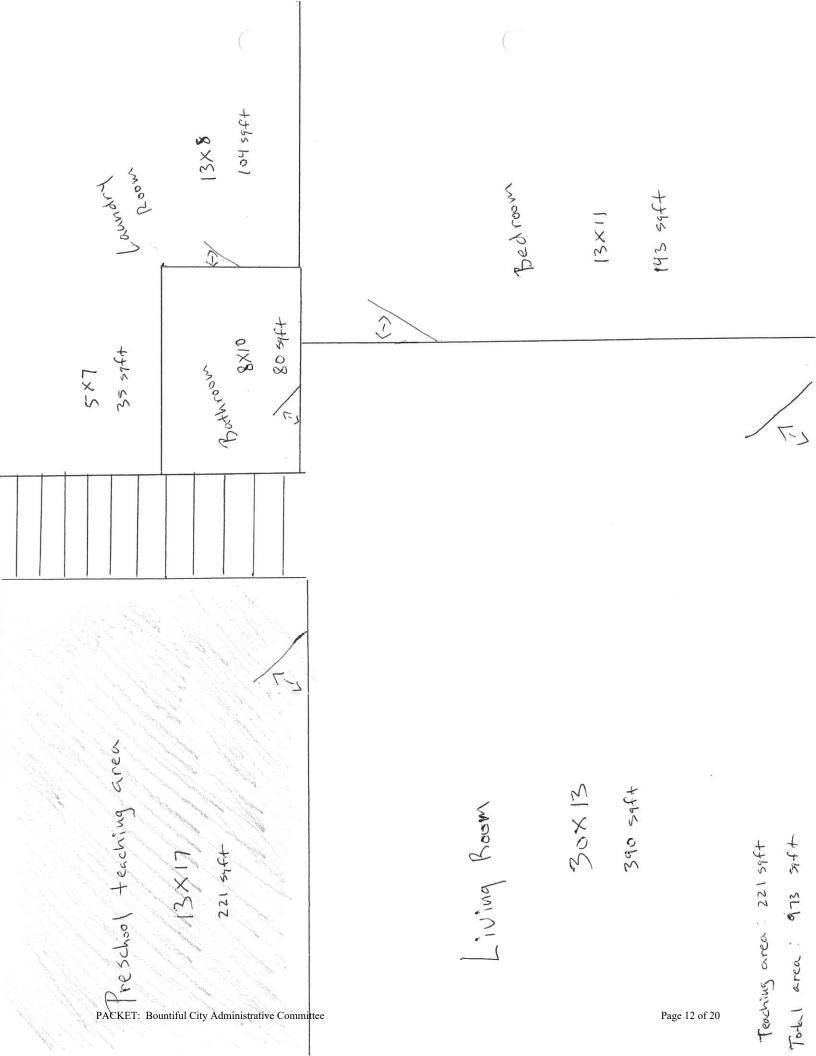
Thank you for your consideration,

Megan L. Bowden, Tiny Footsteps Preschool

Migay Barnel

Bountiful City Code: 14-17-106 SPECIAL CONDITIONS FOR RESIDENTIAL DAY CARE OR GROUP INSTRUCTION	Action Needed:			
The following conditions shall apply only to Home Occupation Business Licenses for Residential Day Care or Group Instruction, as defined by State Code:	Complete Bountiful City Day Care Business License Application (\$25.00 fee) Question: Is this a day care or group instruction?  Group Instruction	4		
A. The rear yard may be used for outside play area, or instruction where a swimming pool is involved.	Provide a yard site plan (including square footage)			
B. Residential day care facilities shall comply with all regulations of the State of Utah and shall be licensed by the State. One additional person not residing in the dwelling may be employed in the residential day care or group instruction where eight (8) or more children or people are involved.	Provide a copy of the State of Utah Day  Care License for the owner and for any additional worker.	/		
C. Residential group instruction (preschools) shall be limited to no more than twelve (12) people in each session who are not residents of the home. There shall be no more than two (2) sessions per day and each session may not exceed four (4) hours. No child or student may attend more than one (1) session per day. Instruction of more than eight (8) individuals requires issuance of a Conditional Use Permit.	Questions: How many children will attend? How many sessions? What are the hours of operation? \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	h		
D. A minimum interior floor area of thirty-five (35) square feet and a minimum secured outdoor play area of forty (40) square feet per child shall be provided for residential day care facilities.	Provide an interior floor area site plan.  Questions: What is the interior square footage of space to be used? What is the outdoor play area square footage? How is the outdoor play area secured?	/		
E. Total floor area used for residential day care or group instruction may be no more than fifty percent (50%) of the ground floor area of the residence.	Questions: What is the square footage of the ground floor area of the residence? What is the square footage of the total floor area to be used for the day care or group instruction?	1		

F. An annual inspection for continued compliance will be required for license renewal of all residential day care and group instruction facilities.	Please acknowledge your understanding that an annual inspection will take place.  **Multiple Common			
G. A criminal background check is required for any person who operates or is employed at a daycare or a residential group instruction business.	Provide an original criminal background check for all those working at the day care or group instruction business.			
H. A criminal background check is required for any adult who resides at a dwelling used for a daycare or group instruction business.	Provide an original criminal background check for any adult (i.e. over age 18) residing at the residence.			
I. No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for a daycare or group instruction business.	Please affirm your understanding of this special condition.  (Initial here)			





# RANDY C. LEWIS MAYOR

CITY COUNCIL
Kate Bradshaw
Kendalyn Harris
Richard Higginson
John Marc Knight
Chris R. Simonsen

CITY MANAGER Gary R. Hill

# Memo

Date: August 28, 2019

To: Administrative Committee

From: Curtis Poole, Assistant City Planner

Re: Staff Report for the Administrative Committee Meeting on Monday, September 9,

2019

# Overview

**PUBLIC HEARING -** Consider approval of a Conditional Use Permit to allow for an Accessory Dwelling Unit at 2220 South 900 East, Carrie and Tad Mills, applicants.

## **Background**

The applicants are requesting approval of an Accessory Dwelling Unit (ADU) which will be constructed under an existing detached garage. Plans show the proposed unit will have one bedroom, a living area, kitchen and bathroom.

## **Findings**

According to City Code, 14-4-124, a Conditional Use Permit for an ADU is required and applicants shall meet all standards of the Code for approval. The site is located in the R-3 Single-Family Residential zone and consists of a single-family dwelling which will be maintained as such by the applicant. The lot is 0.567 acres (24,698 square feet). There will only be one ADU and there will only be one utility connection located at this property. The proposed ADU will be 506 square feet which is less than the 40% standard in the Code requiring ADU's to be smaller and an "accessory" to the single-family dwelling.

The property currently meets the parking requirements, consisting of four off-street parking spaces including two in the existing garage, for an ADU; however, they will be expanding the existing driveway which will accommodate additional cars. The entrance for the proposed ADU will be behind the detached garage and will not be visible from the street. The property will continue to have the appearance of a single-family dwelling and should have minimal impact on the surrounding neighborhood.

### **Staff Recommendation**

Based upon the above findings, staff has determined the applicants would comply with all requirements for the Conditional Use Permit. Staff recommends approval of the Conditional Use Permit with the following conditions:

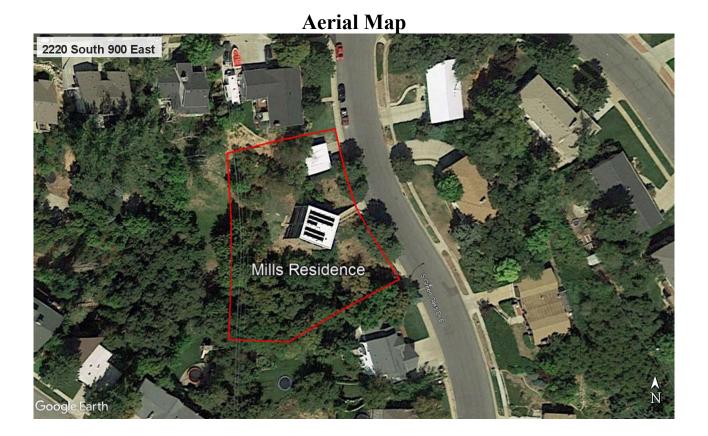
- 1. The owner(s) of the property must occupy the primary residence or the ADU.
- 2. The property is to be used only as a single-family use and shall be subject to a deed restriction.
- 3. There shall be no separate utility service connections.
- 4. The ADU shall meet all the criteria in 14-14-124 of the City Land Use Ordinance.
- 5. The Conditional Use Permit is solely for this property and is non-transferable.

### **Bountiful Land Use Ordinance**

#### 14-14-124 ACCESSORY DWELLING UNIT

- A. Purpose: The city recognizes that accessory dwelling units (ADUs) in single-family residential zones can be an important tool in the overall housing plan for the city. The purposes of the ADU standards of this code are to:
  - Allow opportunities for property owners to provide social or personal support for family members where independent living is desirable;
  - 2. Provide for affordable housing opportunities;
  - Make housing units available to moderate income people who might otherwise have difficulty finding homes within the city;
  - 4. Provide opportunities for additional income to offset rising housing costs;
  - Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and
  - Preserve the character of single-family neighborhoods by providing standards governing development of ADUs.
- B. An accessory dwelling unit shall only be approved as a conditional use.
- C. An accessory dwelling unit shall not be approved, and shall be deemed unlawful, unless it meets all of the following criteria:
  - 1. An accessory dwelling unit shall be conditionally permitted only within a single-family residential zone, and shall not be permitted in any other zone.
  - It is unlawful to allow, construct, or reside in an accessory dwelling unit within a duplex or multi-family residential building or property.
  - It is unlawful to reside in, or allow to reside in, an accessory dwelling unit that has not received a conditional use permit or without written authorization from the Bountiful City Planning Department.
  - 4. A maximum of one (1) accessory dwelling unit shall be permitted as a conditional use on any lot or parcel in a single-family zone.
  - It is unlawful to construct, locate, or otherwise situate an accessory dwelling unit on a lot or parcel of land that does not contain a habitable single-family dwelling.
  - 6. A deed restriction limiting the use of a property to a single-family use, prepared and signed by the Bountiful City Planning Director and all owners of the property on which an accessory dwelling unit is located, shall be recorded with the Davis County Recorder's Office prior to occupancy of the accessory dwelling unit. If a building permit is required, then said deed restriction shall be recorded prior to issuance of the building permit.
  - 7. The property owner, which shall include titleholders and contract purchasers, must occupy either the principal unit or the ADU, but not both, as their permanent residence and at no time receive rent for the owner occupied unit. Application for an ADU shall include proof of owner occupancy as evidenced by voter registration, vehicle registration, driver's license, county assessor records or similar means.

- 8. Separate utility meters shall not be permitted for the accessory dwelling unit.
- 9. Any property and any structure that contains an approved accessory dwelling unit shall be designed and maintained in such a manner that the property maintains the appearance of a single-family residential use. A separate entrance to the ADU shall not be allowed on the front or corner lot side yard. Any separate entrance shall be located to the side or rear of the principal residence.
- 10. It is unlawful to construct an accessory dwelling unit, or to modify a structure to include an accessory dwelling unit, without a building permit and a conditional use permit.
- 11. Adequate off-street parking shall be provided for both the primary residential use and the accessory dwelling unit, and any driveway and parking area shall be in compliance with this Title. In no case shall fewer than four (4) total off street parking spaces be provided with at least 2 of the spaces provided in a garage. Any additional occupant vehicles shall be parked off-street in City Code compliant parking areas.
- E. A detached accessory dwelling unit shall meet all of the above criteria, plus the following:
  - Shall require a conditional use permit, reviewed and approved by the Bountiful City Administrative Committee.
  - Shall not be located on a lot with less than eight thousand (8,000) square feet buildable land.
  - 3. Shall be configured so that any exterior doors, stairs, windows, or similar features are located as far away from adjoining properties as is reasonably possible to provide privacy to those properties.
  - Shall meet all of the setbacks required of a detached accessory structure requiring a conditional use permit.



## Mills ADU - 2220 S. 900 E. Bountiful, Ut 84010

Tad and Carrie Mills - our plan to add an ADU to our existing property. The ADU will follow and abide by all city ordinances including the following:

Prior to any work being done on the property, we will have Benchmark Engineering and land surveying, survey and mark all property lines to ensure everything is to code and on our property.

This ADU is being added under our existing garage. There is no "new" structure being built or added to the property.

Sufficient parking (to code - 4 spaces) is already in place, but adding a parking pad north of the garage, increasing parking to 6 total. The parking pad will meet all criteria in chapter 4, Figure 14-4-1, including landscaping. We will be adding 10 feet to our existing 20 ft approach to accommodate the parking pad and ease of parking. Not to exceed 30 ft.

Changes to property will not be visible from the street. All changes being made are below street level, on the backside of the hill.

Our lot is a total of 26,000 sq ft. It consists of lot 269 and 268 in Oakridge Manor Subdivision Plat P. Our house was built in the middle of the two properties and our garage is detached and built in the lot of 269.

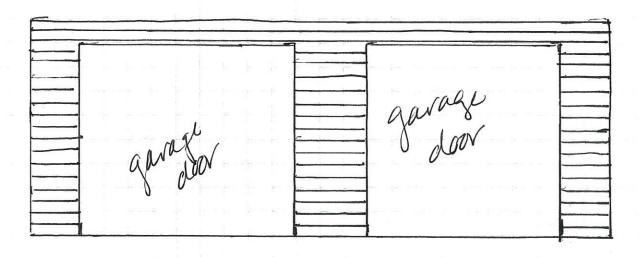
All work to be completed will be by licensed, insured and bonded contractors.

The apartment will consist of 1 bedroom, a kitchen with eating space, 1.5 bath and living room. It will total 506 sq ft. The bedroom will be 143 sq ft. All electrical and plumbing will go directly to our existing house so there will be no additional meter.

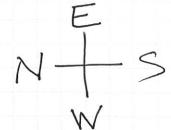
Concerning 14-14-124, E3, fencing will be erected to provide privacy to adjoining property. Stairs at the west end of the parking pad, will lead to the exterior doors that are on the south and west faces of the ADU. There will be no windows added on the north side of the ADU to allow for privacy. Windows and doors are all on the west and south side and all below grade of the adjoining property.

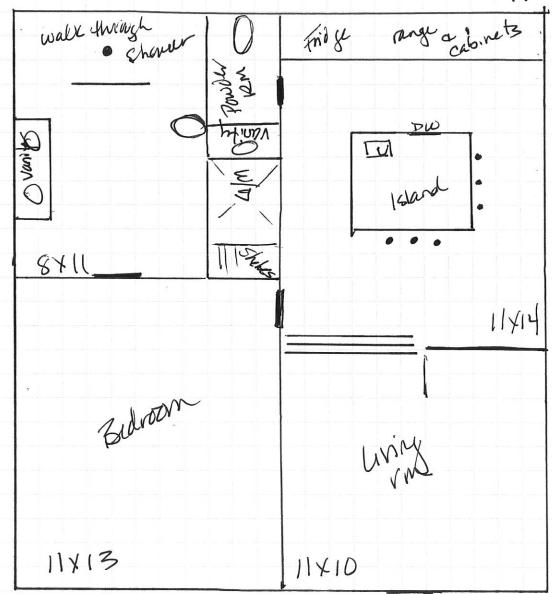
2220 S. 900 E. Bountifue. 8/26/19

> Front View of Garage - no Change



View from street 900E Garagefaces east 8/26/19 2220 S. 900 E. Bountiful LIT 84010





Front Perhance

1' Squares 8/26/19

2220 S. 900 F Bountiful, cut 84010

\* Back view of garage -NOT visable from Street

	Exisiting garage							
railing. Packing ped								
THE STATE OF THE S	1/	//		1/	1/.			
	//		1/	//	100%			Hillside
	C	ement	all .		0/			door

ADU entrance - Back side, + underneath garage
- NOT Visable from street

Back of garage faces West

8/26/11 Each square = Z 2220 S 900 E. Bountful, ut 84010 railing Sidewall

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adding 10' approach

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